INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Omaha FILE NUMBER: 200460267

REGULATORY PROJECT MANAGER: May Date: September 10, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office __ (Y) Date: September 10, 2004

At the project site __ (N) Date:

PROJECT LOCATION INFORMATION:

State: North Dakota County: Ward

Center coordinates of site by latitude & longitudinal coordinates: Long 101-19-15.3443, Lat 48-16-07.9843 Approximate size of site/property (including uplands & in acres): 7 acres wetland with 0.56 inpact

Name of waterway or watershed: Upper Souris watershed

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole				X					
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)	_								
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¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown			
	Use Best Professional Judgment		l Judgment			
	Yes	No	Predicted	Not Expected to	Not Able To Make	
			to Occur	Occur	Determination	
Is or would be used as habitat for birds protected by			X			
Migratory Bird Treaties?						
Is or would be used as habitat by other migratory birds that			X			
cross state lines?						
Is or would be used as habitat for endangered species?				X		
Is used to irrigate crops sold in interstate commerce?				X		
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated.						

*Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Fremmary	Or	Approved _A

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ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite): The road project will impact approximately 0.56 acres of a prairie pothole approximately 9 acres in size.